Sectt. II-37—45,000—15-11-36.

L.S.G (1936) Department.

Ms SERIES.

G.O. No. 637 P.H.

DATED 27-2-1936

[Despatch Abstract.]

Indigenous systems of medicine - South Kanara District - Mangalore Municipality - Registration of Mr.B.R.Haridas - Grant of certificate regarding 10 years' practice - Papers recorded.

Mangalore,

31-8-1935.

From

Mr. B.R. Haridas, 37089

Ayurvedic Physician,

Mangalore.

2 -SEP 1935

To

The Secretary to Government,

Local Self Government Department,

Mangalore.

F

Sir,

Re:-Endorsement No. 32575 - 1D2 P.H.

dated 23rd August 1935.

The copy of petition submitted to Government through the Chairman, Municipal Council, Mangalore, by the Secretary, Deshiya Vaidya Samithy, Mangalore, dated the 1st inst., is returned to the sender directing him to refer to instruction IV of the Petition Rules.

The Secretary of the Deshiya Vaidya Samithy being away from the town I am taking the liberty of seeking further instructions from the Government on the subject.

Though I am personally the Principal Party concerned in the matter I had to get my grievances submitted through the Secretary of the Ayurvedic Physicians Association, otherwise known as the Deshiya Vaidya Samithy of which I happen to be a member.

I cannot understand exactly whether Government wants or the rules recuire the aggrieved person to submit his petition himself direct and if that be so I submit ~~as~~ enclosed.

If however I have not correctly understood the instruction, I ~~may~~ pray I may be further advised as to the right course to adopt.

I beg to remain,

S i r,

Your most obedient servant,

B. R. Harris

Mangalore,

31-8-1935.

From

D. R. Haridas,

Ayurvedic Physician,

Mangalore.

To

The Secretary

The Government of Madras,

(Local Self-Government Department),

Public Health,

Fort St. George, Madras.

Sir,

(5)

Under the Rules published in G.O.No. 231-P.H., dated the 1st February 1933 for the Registration of practitioners of Indian Medicines which among other requirements require every application for such registration should be accompanied with a treasury receipt for the Registration fee of Rs. 15-12-0 and under Sub-Rule 4 of Rule 1, the application should be accompanied as a Proof of possessing the requisite qualification of the applicant, a Certificate by an officer of the Revenue Department of and above the rank of a Deputy Tahsildar or by the executive authority of the Municipality, or by the President, District Board, within whose jurisdiction applicant resides, in a prescribed form. The Government have also laid down the certificate to be thus granted shall be based on the records maintained in the office, or facts known after due enquiry.

I am an Ayurvedic Physician practising in Mangalore for over 12 years and for over 12 years I have been paying profession tax to the Mangalore Municipality as a practising Ayurvedic Physician. As such I felt I

was entitled for the grant of the requisite certificate, by the Commissioner of Mangalore Municipality, whom I approached in person and handed over the prescribed form of certificate to him with the request that he may be pleased to fill in and sign the same.

The Commissioner on receipt of the form of certificate, after keeping it for about 3 weeks, returned same refusing to grant the certificate without assigning any reasons. Any casual enquiry or a casual look into the records maintained in his office would have convinced him that I was entitled for the certificate.

That this action of the Commissioner, Mangalore Municipality, I beg to submit most respectfully is high-handed and unauthorised in-as-much-as he has refused to exercise a power specially vested in him in the interests of deserving rate-payers residing within the Municipal area. That the Government will be pleased to see that the Commissioner has refused both, to cause enquiries to be made or to look into his own records and has thus placed me in a very awkward situation inconveniencing me greatly and depriving me of a right and a privilege I am legally entitled to.

I then preferred an appeal to the Municipal Council, praying for a direction to the Commissioner to issue a certificate applied for and the Chairman in returning my appeal stated

> "No appeal lies before the Council, under the rules in respect of non-grant of certificate by the Commissioner for registration under the G.O. referred above".

If the decision on such matters is left to the sole will of a single individual uncontrolled by any, the fate of a deserving rate-payer will be very hard. Most of the Commissioners appointed to the various municipalities are foreignors and our Commissioner is from Malabar and

~~and~~ naturally they have little or no sympathies with the rate-payers. I therefore respectfully pray that Government be pleased to direct in such matters the Commissioners acts in consultation with Chairman in interests of justice and equity to the rate-payers as otherwise the very object of G.O. relating to the registration of practitioners in Indian system of medicine will be ~~g~~ frustrated and the sympathetic and generous spirit of the Government orders will be defeated.

For which act of justice I will ever feel grateful.

I beg to remain,

S i r,

Your most obedient servant,

B. R. Hariade.

Mangalore, 1st. August 1935.

From

Vaidya K. N. Bhandary, L. I. M.,
Secretary, Deshiya Vaidya Samithi,
Codialbail, Mangalore P.O.,
(South Kanara).

To

The Secretary to
The Government of Madras,
Local Self Government Department
(Public Health), Fort St.George,
Madras.

Sir,

The office-bearers and members of the Deshiya Vaidya Samithi (Native Physicians Association) Mangalore have passed a resolution in their meeting held on 28-7-'35 empowering me to place the following before the Government for their sympathetic consideration and necessary action.

Government in G.O.No. 231-P.H. dated 1st. February, 1933 have framed rules for the registration of practitioners of Indian Medicines which among other requirements, require every application for registration should be accompanied with a Treasury receipt for the registration fee of Rs. 15-12-0 and also lays down that for purposes of registration under Sub-Rule 4 of Rule 1 of the Government Order the nature of proof required shall be a certificate by an Officer of the Revenue Department of and above the rank of a Deputy Tahsildar or by the Executive Authority of the Municipality, or by the President, District Board within whose jurisdiction the applicant resides, in a prescribed form.

The form of certificate prescribed begins with

the statement "on the basis of the records in this office ~~to be known after~~ due enquiry I certify etc.,"

From the very wording of the form of certificate prescribed by Government my Samithi is of opinion that Government do not necessarily want the ~~certifying authority to necessarily~~ personal knowledge or experience regarding the profession of the applicant, but is to base his certificate on the records in his office or facts known after due enquir

Mr. B. R. Harida, a member of the Samithi and a long-standing Physician of repute residing within the Municipal areas of Mangalore Town applied to the Commissioner, Mangalore Municipality for a certificate to get himself registered. The Commissioner after keeping ~~the certificate for about~~ three weeks with him returned the same refusing to grant the certificate on the plea that he was recently appointed as Commissioner to Mangalore and that he possessed no personal knowledge of applicant's profession.

That was action of the Commissioner, Mangalore Municipality by my Samithi ventures to characterise as unauthorised and high-handed in as much as the Government themselves required the certificate to be ~~issued not on any personal knowledge~~ but on the basis of the record or on the facts known after due enquiry.

That this particular member of the Samithi has been paying profession tax as Ayurvedic Physician for over 12 years as the enclosed profession tax receipt would convince Government and even a casual enquiry would have convinced the Commissioner that the applicant was entitled for the grant of the certificate, a reference to any

Ward Councillor or to the present or past Chairman have more than convinced the Commissioner of the applicant's eligibility for the grant of the certificate applied for. That the high-handed action of the Commissioner, both to look into the records or to make any enquiry amounts to a refusal to exercise a power vested in him by the Government for the convenience of physicians practising the Indian system of medicines, residing in the Municipal area and willing to get themselves registered. And this mis-use of power has in the present case injured one of the rate-payers for no fault of his own.

This gentleman submitted a representation to the Council and this was not placed before the Council at all and the Chairman in his reply dated 27th instant is pleased to say "No appeal lies before the Council under the rules in respect of non-grant of certificate by the Commissioner for registration under the G.O. referred above."

If the decision on such matter is left to the will of a single individual uncontrolled by any, the fate of a rate-payer will be very hard. Most of the Commissioners appointed to the various Municipalities are gentleman from Malabar and in matters of the kind, now under correspondance, my Samithi is strongly of opinion that the Executive Officer of the Municipality ought to be directed to act in consultation with the Chairman or, the Chairman himself empowered to grant the certificate in the interests of justice and equity of the rate-payers.

My Samithi in these circumstances respectfully pray that Government may be pleased to bestow this representation their sympathetic consideration and

considering the grave disadvantage such an arbitrary use or abuse of power, confers on even deserving applicants, and thus aids to frustrate the very sympathetic spirit of the G.O. and the benevolent intention of the Government to take such measures as may be found necessary to eradicate this evil.

For which act of justice my Samithi will ever feel grateful.

I have the honour to be

S i r,

Your most obedient servant,

K. N. Bhandary
SECRETARY
LEKHIYA VAIDYA SAMITHI.

pp 5-7 infra

Encl:- (1 receipt for payment of Profession tax as Ayurvedic Physician Nos. 1725 for the year 1922. (2) One demand notice of Profession tax No. 1816 as native doctor for 1935. (3) Receipt for payment of same.)

not read)

True Copy respectfully submitted

through the Chairman,

Municipal Council, Mangalore.

K.N.Bhandary

Forwarded

I personally know that Mr. B. K. Haridas has been practising the Ayurvedic System of medicine in this town for the above twelve years.

Chairman. M. C.
Mangalore.
2/VIII/35

/2019

L. 89(P 4) Dept

Crc. 37089. From the B.R. Kamidas, Ayurvedic Physician, Mangalore, no nil: of 31. 8:85

Subject:-

Registration of Mr. B.R. Kamidas

Memo no :- 37089. 1Dr P.H. 20.9.85

2. 8 15/1.88

Referred to the Commr, Mangalore Mcl for early remarks which should be submitted through the P.L.M.S.

17/9/89

9/8

Dpo

Date

To

The Commr, Mangalore Mcl
(with the petitioner's letter to be returned)

Copy to the P.L.M.S-(r.)

C.F. 30.

DEPARTMENT.

Received ..... 19 . *Registered* 19

Subject. 12233

Registration of Mr. B. R. Haridas - Governm

Memorandum No.37089-1D2, P.H., dated the 20th September 1935.

p'ly n'l.

ENCLOSURES.
No. six only
Spare copies.....

C. No. 2147
35/36

Station Mangalore, *Dated the* 13th November 1935.

From (Name) M.R.Ry.C.R.Karunakara Menon,Avl.,B.A.,B.L.,
(Designation) Commissioner, Mangalore Municipality.

To The Secretary to the Government of Madras,
Through
The Principal,
Government Indian Medical School,
Kilpauk, M a d r a s,
& The Chairman, Municipal Council,
M a n g a l o r e.

LOCAL SELF GOVERNMENT
Department.
FORT ST.GEOR
MADRAS.

Sir,

When Mr. B.R.Haridas came to me with a request to grant him the certificate in question, I told him that I would make enquiries and let him know. I did make enquiries with certain respectable people in the town with a view to know whether he possessed the requisite qualifications which would entitle him to get the certificat Having obtained conflicting versions about his qualification I declined to grant him the certificate. The fact that Mr.Haridas has been assessed to profession tax to the Municipality and is being styled as an Ayurvedic physician

is correct;

is correct; but there are no records in my office to show that he possesses such qualifications as would entitle him to get the certificate. It is a well known fact that both in Malabar and South Kanara several people who deal in medicinal herbs and drugs do prescribe medicines to the illiterate poor and are, in common parlance, called "Doctors". Many of these so called doctors really do more harm than good to the public. The profession tax lists are prepared by the Bill Collectors who finding a native medicine vendor, would, for the sake of convenienc have styled him as a "doctor". Such an entry in the demand registers cannot be taken as sufficient proof to recognise such people as doctors in the sense that they are qualified and competent to treat people. In the circumstances, Mr. Haridas cannot question my discretionary powers to grant the certificate.

The petitioner's statement that I being a foreigner have little or no sympathies with the rate payers is unwarranted and frivolous. No doubt coming as I do from Malabar I am a little handicapped in matters of this kind; but a bonafide refusal to grant a certificate of the kind, cannot be attributed to my want of sympathy with the rate payers. In my opinion the records maintained in my office and the facts ascertained about the petitioner's qualifications were not sufficiently conclusive for the grant of the certificate in question and that therefore the issues raised by the petitioner are ultra vires.

In this connection, I would respectfully suggest to Government that such certificates may be ordered to be issued by the Chairmen of the Municipal councils who being local people may be expected to have a better knowledge of such persons.

The appeal petition with the tax receipts are enclosed.

Your obedient servant,

C. Ramachandran.

Commissioner. 13-11-35

Forwarded.

13th Novr.1935 | Chairman, M.C.

C.F. 30.

MEDICAL **DEPARTMENT.**

Received SECRETARY TO GOVERNMENT 14 FEB 1936 19 *Registered* 19

Subject. 7497

REGISTRATION OF MR. B.R. HARIDAS.

ENCLOSURES.
No. Desc
Spare copies

No. 10513-2/S/35

Station Kilpauk, Madras., *Dated the* 11th February 1936.

From (Name) M.R.Ry., Vaidyaratna G. Srinivasa Murti Avl., B.A.B.L., M.B.C.M.,

(Designation) Principal, Government Indian Medical School,

To The Secretary to the Government of Madras,

JOINT

Local Self Government (Public Health) Department.
Fort St George, Madras.

Sir,

In submitting herewith the reply from the Commissioner, Mangalore Municipality C.No 2147/35--36 dated 13-11-'35 to Government Memorandum No 37089--1 D2 P.H. dated 20th September 1935 I have the honour to state as follows:- pp 15-16 ante p14 ante

2. For registration under Proviso to rule 1 of the rules for registration of practitioners of Indian Medicine issued in G.O.No 231 P.H. dated 1-2-1933, one has to produce evidence to the satisfaction of the Board that he has been an eminent practitioner of Indian Medicine not less than 10 years' standing.

3. In G.O. No 105 P.H. dated 17-1-1934 Government approved

approved the proposal of the Central Board of Indian Medicine prescribing a form for the certificate of 10 years' practice and the officers from whom the certificate should be produced in regard to evidence of practice for a period of not less than 10 years. One of these officers is the Executive authority of the Municipality,

The petitioner Mr B.R. Haridas Ayurvedic Physician, Mangalore requested the Commissioner of the Municipality to grant him the certificate of 10 years' practice; but the Commissioner refused to give the certificate because he was not satisfied that Mr B.R. Hari Das possessed the requisite professional qualifications. The certificate required from the Commissioner was not as regard the question whether Mr Haridas had the requisite professional qualification but only in regard to the question whether, on the basis of records or from enquiry, there is evidence to show that he has been following the occupation of a practitioner of Indian Medicine for not less than 10 years. To grant this certificate, it was not at all necessary for the Commissioner to make enquiries about the professional qualifications and capabilities of the practitioner as an Ayurvedic Doctor. That is the concern of the Central Board itself. It was only in regard to the question of duration of practice that the certificate of the Commissioner was required. On this point, the Commissioner had apparently positive evidence in his office itself (viz entry in the list of those who were assessed to Profession-Tax) of the petitioner as being assessed as an Ayurvedic practitioner. If further proof was required, there was the certificate of the Chairman of the Municipal Council, who was the competent authority for issue of such certificates before the Commissioner was appointed as Chief Executive Officer. (See his endorsement on the petition submitted by the Secretary Daniyar Vaidya Samithi, Mangalore, to the Secretary to Government on this very subject where the Chairman has certified to his personal knowledge about the practice of Mr Haridas for well over 12 years).

As regards the Commissioner's remarks on the reliable

~~reliable~~ method adopted in the formation of the professional Tax-lists, that is a matter to be gone into by the authorities concerned and not by me. In any case, that would not justify the Commissioner to decline the certificate asked for.

6. From the very start, the Commissioner seems to have been labouring under the misconception that his duty was to decide on the professional qualification of Mr Hari Das; that is a matter not for him but only for the professional Body established for the purpose viz, the Central Board. The Commissioner's duty was only to say whether, on the basis of available records or of enquiry made, there was evidence to show that Mr Haridas had been following the occupation of a practitioner of Indian Medicine for not less than 10 years. As stated above, he had positive evidence on this point; and there was therefore no justification for refusing to Mr Hari Das the grant of certificate for which he had applied.

7. The suggestion contained in the penultimate para of the Commissioner's letter to authorize also the Chairman of Municipal Councils to issue the certificate of 10 years practice is commended for the consideration of Government.

8. I may also add for the information of Government that Mr Haridas has since produced the certificate of 10 years practice signed by the President District Board, South Kanara and has got himself registered under Class "B".

I have the honour to be,

Sir,

Your most obedient servant,

G. Srinivasa Murti

Principal,
Govt Indian Medical School,
Madras.

G. O. 89 (P.H) dept

CRO. 37089. From Mr. B. R. Haridas, Ayurvedic Physician, Mangalore No. 144 of 31.8.35.

Y487 From the P. I. M. S. No. 10513-2/S/35 of 11.2.36.

Subject.

Indigenous Systems of Medicine — South Canara Dt — Mangalore — Registration of Mr. B. R. Haridas.

G.O 105 P.H 15.1.34

(I) Under the note to rule 4 of the rules for the registration of practitioners of Indian Medicine issued with G. O No 231 P.H dt 1.2.33, a practr of Indian Medicine requiring registration should produce a proof or certificate from an Officer of the Revenue dept of and above the rank of a deputy Tahsildar or the Executive authority of the municipality or the P. D. B. within whose jurisdiction he resides that he has been a practr for not less than 10 yrs standing

(S) With reference to the above rule, Mr. Haridas a practr of Indian Medicine who wanted to register himself under the rules issued in G. O No 231 P.H dt 1.2.33, applied to the Commr of the

Pp 6-7 Cf

(S)

Mangalore Municipality for a certificate required under G.O.No. 105 P.H. dt 15.1.34. (1)
The Comm^rs refused to give the Certificate for the reasons stated in his letter on pp 15-16 of D.C. will be seen therefrom that the Comm^rs refused to grant the certificate as he was not satisfied that Mr. B.R. Hanidas possessed the requisite qualifications.

2. As observed by the para 4 on p 10 of P.I.M.S, it was only in regard to the question of duration of practice that the certificate of the Comm^rs was required and not with regard to the professional ~~Qualifications~~ qualifications and Capabilities of Hanidas which are for the concern of the Central Board of Indian Medicine. The Comm^rs could have refused from a refer to the Profession tax regn to compel whether the Practr was paying any Profession tax and ~~how much he was paying~~. ~~Instead doing so~~ The Comm^rs made enquiries and refused to grant certificate. The Comm^rs action ~~is~~ does not seem to be regular quite correct.

As however, Kavidas has managed to get a certificate from the D.S. Sonta Ramana & get himself registered, it does not seem necessary to pursue the question further.

In this connection, the Commr suggests that in such cases, the Chairmen of Mc. cls. may be empowered to grant such certificates as they being local people may be expected to have a better knowledge of the persons in the municipal area than the commissioners who generally come from outside. The P. L. M-S. also agrees with the above suggestion. The Govt may perhaps accept his suggestion in order to avoid such difficulties in future. If is for orders whether the words "the chairman of a Mc. cl." may be substituted for the words "the Executive authority of the municipality" appearing in the note to rule 4 issued in G.O No 105 P.W.D. dt 25.1.84.

(I)

22/2

dt 2.2.86

Mr Commr Mangalore thinks perhaps went out of the way in refusing to grant the certificate. The Executive authority is the proper authority to perform the duty of

4

verifying the past record of any municipal or prominent citizen; I can do this work more thoroughly than ~~[illegible]~~ a Chairman. No alteration in the orders in file No. 105 M.G. 25-7-34 seems (V) to be necessary. No action seems to be called for on the remarks of the D.I. M.S., now.

A draft order is submitted for approval.

9.6.2.36.

L.09(B.H) 1936

C.F.16.

31/27/V

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	27/V	
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Indigenous Systems of medicine – South Kanara Dt – Mangalore Mc — Registration of Mr. B.R. Haridas — ~~Dr~~ Grant of Certificate re: 10 years' practice – Papers recorded

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. 3708 from the Mr. B.R. Haridas Hyd. Medical Practitioner, Mangalore, No. Nil, dated 31.8.1935.

" 7487 " P.L.M.S. " 10513-2/8/35-Ph.2. 1936.

" _____ " _____ " _____ 19____.

Order Ms. Resolution Reut. No. 637 P.H., dated 27 — 2 — 1936.

Recorded.

2. The Govt are unable to accept the suggestion that the Chairman of Mc.cls may be authorised to issue certificates referred to in G.O. 105 P.H. dt 15.1.34, even though there may be a Commr in the municipality Conc 25/2

26.2.36.

L[illegible] initials. Ken 29-2-1936.

(I)

2o

The Commr, Mangalore Mc

thro' The Chairman

The P.I.M.S.

Petitioner (with pp. 10-13 of the orgl.)